IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Bail Appl..No. 4862 of 2007()

CRIME NO.235/06 OF THAMPANOOR POLICE STATION

PETITIONER/ACCUSED

MOHAMMED NIYAS K.P.,
S/O.ISMAIL, AGED 20 YEARS, NIHAL VILLA,
ALLANKULAM, TALIPARAMBA, KANNUR DISTRICT.

BY ADV. SRI.V.RAJAGOPAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY SUB-INSPECTOR,
CRIME BUREAU, THAMPANOOR POLICE STATION,
TRIVANDRUM, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4862 OF 2007

Dated this the 10th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is alleged to have forged a mark list before the Rajeev Gandhi University fraudulently making it appear that he is eligible to join the course, whereas he had failed in his Plus 2 examination. The authorities felt suspicion. The matter was referred to the concerned authorities. It was confirmed that it was a case of forgery. A crime has been registered. Investigation is pending. The petitioner apprehends imminent arrest. The learned counsel for the petitioner submits that the petitioner, though not a juvenile, is very close to the rubicon of 18 years. In these circumstances, anticipatory bail may be granted to the petitioner, it is prayed.

2. This application is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that there

are no circumstances justifying the invocation of the discretion under Sec.438 of the Cr.P.C. I find merit in the opposition by the learned Public Prosecutor. This is a fit case where the petitioner must appear before the Investigating Officer or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same.

3. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge